

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

Plaintiff,

:

Case No. 3:05-cr-184

-vs-

District Judge Walter Herbert Rice

Magistrate Judge Michael R. Merz

:

MARK J. THORNTON,

Defendant.

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**ENTRY**

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This case came on for telephone conference at 9:30 A.M. on Tuesday, May 21, 2013. Assistant United States Attorneys Vipal Patel and Brent Tabacchi participated on behalf of the United States; Carla J. Morman participated on behalf of Defendant.

At the Court's request, Ms. Morman has confirmed that Defendant will be a witness at the evidentiary hearing of this matter, if a hearing is granted by the Court. In order to obtain Defendant's presence, counsel must file a petition for writ of habeas corpus ad testificandum sufficiently in advance of the hearing to allow the United States Marshal adequate transportation time.

Mr. Tabacchi confirmed that the identity of the light-skinned African-American male referred to in an affidavit in this matter is not disclosed in testimony before the grand jury. The prior Order denying inspection of the grand jury testimony (Doc. No. 258) is therefore final.

It was agreed that the United States will file a consolidated memorandum in opposition to the Motion for Evidentiary Hearing (Doc. No. 252) and the Motion for Leave to Amend (Doc.

No. 260) not later than May 31, 2013.

May 21, 2013.

s/ *Michael R. Merz*  
United States Magistrate Judge